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EXAMINER

BARNES, CRYSTAL J

ART UNIT PAPER NUMBER

2121

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,159

Applicant(s)

ERYUREK ET AL.

Examiner

Crystal J. Barnes

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06 December 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final Office Action in response to the Amendment received 18 November 2004. Claims 1 and 25 have been amended. Claims 1-46 remain pending in this application.

Priority

2. Applicant has complied with the conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e).

Information Disclosure Statement

3. The examiner is considering the information disclosure statements (IDS) submitted 06 December 2004.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

As per claims 20 and 39, the specification does not describe receiving data pertaining to a report regarding the order and receiving data pertaining to the date of the report.

As per claims 21 and 40, the specification does not describe receiving data pertaining to the location of the order.

As per claims 22 and 41, the specification does not describe receiving data pertaining to the status of the order.

As per claim 42, the specification does not describe displaying tracking information relating to the status of the order.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-6, 9-11, 13, 18, 25-30, 32, 37 and 46 are rejected under 35

U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 1-6, 9-11, 13, 18, 25-30, 32, 37 and 46 recite the limitation "the device". There is insufficient antecedent basis for this limitation in the claim. Claims 1 and 25 recite the limitation "process plant device".

Response to Arguments

8. Applicant's arguments, see Remarks page 9, filed 18 November 2005, with respect to the rejections of claims 1-46 under 35 USC 102 and 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US Pub. No. 2002/0077711 A1 to Nixon et al. and JPPN 2001-318966 to KAWAKAMI.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the

invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-19, 23-38 and 42-46 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pub. No. 2002/0077711 A1 to Nixon et al.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claims 1, 25 and 46; the Nixon et al. reference discloses a method of automatically taking corrective measures within a process plant, wherein the process plant includes a plurality of devices, the method comprising receiving data pertaining to the status (see page 23 [0143], "receive diagnostic information") of a process plant device ("internal and external data sources"); automatically generating an order ("automatically generate work orders") in response to ("in response to") a detected problem ("problem or potential problem discovered or

recognized") with the device ("internal and external data sources"), wherein the detected problem ("problem or potential problem") is based on the data pertaining the status ("diagnostic information") of the device ("internal and external data sources") and the order ("work order") relates to taking one or more corrective measures ("requests a maintenance person, ordering parts supplies, etc.") to solve the problem ("problem or potential problem"); and communicating (see page 23 [0144], "automatically communicate") the order ("to order parts, supplies, etc.").

As per claims 2 and 26, the Nixon et al. reference discloses receiving data comprises receiving diagnostic information (see page 23 [0143], "receive diagnostic information") pertaining to the device ("internal and external data sources").

As per claims 3 and 27, the Nixon et al. reference discloses receiving data comprises receiving a maintenance request (see page 23 [0143], "receive ... maintenance requests") to service the device ("internal and external data sources").

As per claims 4 and 28, the Nixon et al. reference discloses receiving data comprises receiving a notification of a current problem (see page 23 [0144], "receive notifications of current problems") with the device ("devices").

As per claims 5 and 29, the Nixon et al. reference discloses receiving data comprises receiving a notification of a predicted future problem (see page 23 [0144], "receive notifications of predicted future problems") with the device ("devices").

As per claims 6 and 30, the Nixon et al. reference discloses receiving data comprises receiving a use index representative (see page 20 [0123], "utilization index") of the status ("diagnostic information") of the device ("device").

As per claim 7, the Nixon et al. reference discloses a maintenance system (see page 23 [0143], "maintenance system") receives the use index ("utilization index") and automatically generating an order ("work order generation routine 270") comprises automatically generating a work order ("automatically generate work order") based on the use index ("utilization index").

As per claim 8, the Nixon et al. reference discloses generating a work order ("work order generation routine 270") comprises determining the one or more corrective measures (see page 23 [0143], "requests a maintenance person, ordering parts supplies, etc.") to solve the problem ("problem or potential problem").

As per claim 9, the Nixon et al. reference discloses further comprising displaying (see page 23 [0143], "GUI") instructions ("work order") for achieving a

desired use index (see 20 [0123], "desired utilization") for the device ("internal and external data sources").

As per claim 10, the Nixon et al. reference discloses displaying ("GUI") instructions ("work order") for achieving a desired use index ("desired utilization") for the device ("internal and external data sources") comprises displaying ("GUI") instructions ("work order") representative of the one or more corrective measures (see page 23 [0143], "requests a maintenance person, ordering parts supplies, etc.") to solve the problem ("problem or potential problem").

As per claim 11, the Nixon et al. reference discloses further comprising determining the status of the device based on at least one of process control data (see page 23 [0143], "receive diagnostic information") pertaining to the device and maintenance data (see page 23 [0143], "receive ... maintenance requests") pertaining to the device.

As per claims 12 and 31, the Nixon et al. reference discloses generating an order comprises generating a work order ("automatically generate work orders") for performing maintenance ("maintenance requests") related to solving the problem ("problem or potential problem") with the device, and communicating the order comprises communicating ("automatically communicate") the work order

("work orders") to one or more maintenance personnel ("requests a maintenance person") capable of performing the maintenance.

As per claims 13 and 32, the Nixon et al. reference discloses generating an order comprises generating an order ("automatically generate work orders") for a part ("order parts, supplies, etc.") related to solving the problem ("problem or potential problem") with the device, and communicating the order comprises communicating ("automatically communicate") the order ("work orders") for the part ("order parts, supplies, etc.") to a supplier (see page 23 [0144], "supplier or other business") of the part ("order parts, supplies, etc.").

As per claims 14 and 33, the Nixon et al. reference discloses generating an order comprises generating an order ("automatically generate work orders") for a replacement device (see page 23 [0144], "parts, equipment or supplies ... replaced").

As per claims 15 and 34, the Nixon et al. reference discloses communicating the order comprises communicating ("automatically communicate") the order (see page 23 [0144], "orders") via the internet ("internet").

As per claims 16 and 35, the Nixon et al. reference discloses communicating the order comprises communicating ("automatically communicate") the order (see page 23 [0144], "orders") via a telephone communication link ("telephone").

As per claims 17 and 36, the Nixon et al. reference discloses communicating the order comprises communicating ("automatically communicate") the order (see page 23 [0144], "orders") via a wireless communication link ("other communication connection" and see page 12 [0076], "wireless").

As per claims 18 and 37, the Nixon et al. reference discloses generating an order comprises scheduling an order ("automatically generate work orders") to be fulfilled prior to failure of the device (see page 23 [0144], "delivered before device needs to be replaced").

As per claims 19 and 38, the Nixon et al. reference discloses further comprising tracking the status of the order (see page 23 [0143], "track work orders").

As per claims 23 and 44, the Nixon et al. reference discloses receiving data comprises receiving data pertaining to one of a field device (see page 4 [0032], "field devices 15, 16") and field equipment (see page 4 [0034], "rotating equipment 20").

As per claims 24 and 45, the Nixon et al. reference discloses receiving data comprises receiving data pertaining to the status of one of a two-wire device, a three-wire device, a four-wire device, a wireless device, a device having a.

processor, a variable speed driver, a controller see page 4 [0032], "controller 12B, 14B), a multiplexer, rotating equipment (see page 4 [0034], "rotating equipment 20"), an actuator, power generation equipment (see page 4 [0035], "power generating equipment 25"), power distribution equipment (see page 4 [0035], "power distribution equipment 25"), a transmitter, a sensor, a control system (see page 4 [0032], "process control systems 12, 14"), a transceiver, a valve, a positioner, a switch, electrical equipment, a server, a hand held device, a pump, an I/O system (see page 4 [0032], "I/O cards 12C, 14C"), a smart field device (see page 4 [0032], "smart field device"), a non-smart field device (see page 4 [0032], "non-smart field device"), a HART protocol device (see page 4 [0032], "HART field devices 15"), a Fieldbus protocol device (see page 4 [0032], "Fieldbus field devices"), a PROFIBUS protocol device, a WORLDFIP protocol device, a Device-Net protocol device, a AS-Interface protocol device, a CAN protocol device, a TCP/IP protocol device, an Ethernet device, an internet-based device, and a network communication device.

As per claim 42, the Nixon et al. reference discloses displaying tracking information (see page 23 [0143], "GUI") relating to the status of the order ("work orders").

As per claim 43, the Nixon et al. reference discloses performing a business-to-business transaction (see page 23 [0144], "business to business communication function") to automatically place ("automatically communicate") an order ("orders") for a part ("parts, supplies, etc.").

11. Claims 1, 2, 4, 6-8, 11, 23, 25, 26, 28, 30, 44 and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by JPPN 2001-318966 to KAWAKAMI.

As per claims 1, 25 and 46; the KAWAKAMI reference discloses a method of automatically taking corrective measures within a process plant, wherein the process plant includes a plurality of devices, the method comprising receiving data pertaining to the status (see Abstract, "stock quantity of cement") of a process plant device ("cement silo 8"); automatically generating an order ("automatically transmits order information") in response to a detected problem ("stock quantity of cement underruns preset ordered stock quantity") with the device ("cement silo 8"), wherein the detected problem ("stock quantity of cement underruns preset ordered stock quantity") is based on the data pertaining the status ("stock quantity of cement") of the device ("cement silo 8") and the order ("order information") relates to taking one or more corrective measures ("instructions of

manufacturing and distribution of cement") to solve the problem ("stock quantity of cement underruns preset ordered stock quantity"); and communicating ("automatically transmits") the order ("order information").

As per claims 2 and 26, the KAWAKAMI reference discloses receiving data comprises receiving diagnostic information ("stock quantity of cement") pertaining to the device ("cement silo 8").

As per claims 4 and 28, the KAWAKAMI reference discloses receiving data comprises receiving a notification of a current problem ("stock quantity of cement underruns preset ordered stock quantity") with the device ("cement silo 8").

As per claims 6 and 30, the KAWAKAMI reference discloses receiving data comprises receiving a use index representative ("stock quantity of cement underruns preset ordered stock quantity") of the status ("stock quantity of cement") of the device ("cement silo 8").

As per claim 7, the KAWAKAMI reference discloses a maintenance system (see Abstract, "stock quantity monitoring device 7") receives the use index ("stock quantity of cement") and automatically generating an order ("automatically transmits order information") comprises automatically generating a work order

("automatically transmits order information") based on the use index ("stock quantity of cement").

As per claim 8, the KAWAKAMI reference discloses generating a work order ("automatically transmits order information") comprises determining the one or more corrective measures ("instructions of manufacturing and distribution of cement") to solve the problem ("stock quantity of cement underruns preset ordered stock quantity").

As per claim 11, the KAWAKAMI reference discloses further comprising determining the status ("stock quantity of cement") of the device ("cement silo 8") based on at least one of process control data ("stock quantity of cement") pertaining to the device ("cement silo 8") and maintenance data pertaining to the device.

As per claims 23 and 44, the KAWAKAMI reference discloses receiving data comprises receiving data pertaining to one of a field device ("cement silo 8") and field equipment ("cement silo 8").

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 20-22 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2002/0077711 A1 to Nixon et al. in view of logical reasoning.

As per claims 20 and 39, the Nixon et al. reference does not expressly disclose tracking the status of the order comprises receiving data pertaining to a report regarding the order and receiving data pertaining to the date of the report.

However, it would have been logically to one of ordinary skill in the art to include the date and time on the reports/display screens.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the standard maintenance interface taught by the Nixon et al. reference to include the date and time as a report detail and display the date and time on the reports/display screens.

One of ordinary skill in the art would have been motivated to include the date and time on the reports/display screens to facilitate another aspect of management efficiency such as workflow turnaround or problem resolution.

As per claims 21 and 40, the Nixon et al. reference does not expressly disclose receiving data pertaining to a report comprises receiving data pertaining to the location of the order.

However, it would have been logically to one of ordinary skill in the art to include location of the order on the reports/display screens.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the standard maintenance interface taught by the Nixon et al. reference to include location of the order.

One of ordinary skill in the art would have been motivated to include location of the order on the reports/display screens to facilitate another aspect of management efficiency such as ability to track service calls.

As per claims 22 and 41, the Nixon et al. reference does not expressly disclose receiving data pertaining to a report comprises receiving data pertaining to the status of the order.

However, it would have been logically to one of ordinary skill in the art to include status of the order on the reports/display screens.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the standard maintenance interface taught by the Nixon et al. reference to include status of the order.

One of ordinary skill in the art would have been motivated to include status of the order on the reports/display screens to facilitate another aspect of management efficiency such as ability to track service call completion.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to automatically generating orders in general:

USPN 6,614,882 B1 to Beamon et al.

USPN 6,751,525 B1 to Crisp, III

USPN 6,809,292 B2 to Spear et al.

JPPN 2002-49799 to TAKAHAMA

JPPN 2002-92205 to SAKURAI

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2121

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571.272.3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB
14 January 2005


Anthony Knight
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Group 3600